

March 2, 2009
Public Health Committee

Senator Harris, Representative Ritter and distinguished members of the Public Health Committee

My name is Rebecca Ball and I am here today to ask that you do not support section 7 of the Sustinet bill.

In one paragraph, it removes a constitutional right – the right of every citizen to have access to our courts.

Ten years ago, my son, Zack's life changed forever...and so did mine. My son's neck was broken in a tragic head on collision. He was sent to three different hospitals in one day and discharged and sent home three days after the accident. We were told he would make a full recovery. He would be that happy, bouncing two year old once again despite having to wear a halo on his head.

But he wasn't responding – I knew my child and they didn't. I trusted the doctors as we all do so I thought I should wait as they told me to do. The real tragedy that still haunts me as a mother is that all of the health care professionals missed the spinal cord injury that could have caused his death, but has left him paralyzed from the chest down. They did not do a simple Full MRI despite warning signs that should have warranted investigation into the initial diagnosis. Calls were made to doctors, calls were not returned. A nurse called the doctor, and her phone call was unanswered.

A slow progression of a hematoma that had formed on his spinal cord cut off his blood supply and oxygen to the cord. That in turn killed the nerves and caused his paralysis.

"Your son will most likely never walk again" will burn forever in my heart because I felt the loss of the child I knew. No child should have to endure what Zack has because of other's negligence.

The thought of a law suit was very scary to me and it became part of the nightmare. His medical debt rose to over \$1,000,000 in a nine year period. We finally settled out of court and that debt was repaid. That settlement has allowed the handicapped accessibility to our home that improves the quality of his life and the life of my entire family. I worry every day about Zack but the financial strain and anxiety has mitigated. You should know that the minute anything is labeled handicapped, it comes with an enormous price tag. Capping non economic damages in Zack's case would have been disastrous.

The courts are our only access to justice. Your job needs to be improving our health care system to better protect patients from becoming victims. My job continues to be taking care and loving my son Zack. A sign hangs above his bedroom door that I believe to be true. "It's Never Too Late to Be What You Might Have Been." This is the hope we all hang on to. His life has been improved because he was able to sue and was compensated for others' errors.

Voting against section 7 of the proposed Bill 6600 will help preserve the rights of those who will follow my son. We need to keep in mind holding doctors accountable for their devastating mistakes is one of the key components to bringing awareness to the flaws in the medical system. Only then does that force doctors and hospitals alike to review their protocols in the treatment of patients and make changes to prevent further medical malpractice. These doctors are committing crimes against others that many feel with this proposal should go ignored. They get to continue practicing medicine while my son will never walk again. Are you willing to turn the other cheek and deny others their right to justice?? I believe you would feel otherwise if you or your loved one, fell victim at their negligent hands.